

**KOMITEE, J.**FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 17 2020 ★

**ORIGINAL**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

SCANLON, M.J. LONG ISLAND OFFICE

GREGORY SCHAFANI

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Metropolitan Detention Center  
BUREAU OF PRISONS  
BROOKLYN, NY.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil  
Rights

(Non-Prisoner Complaint)

Case No.

**CV20-463**

(to be filled in by the Clerk's Office)

Jury Trial:

☒ Yes ☐ No  
(check one)**RECEIVED**

JAN 17 2020

**EDNY PRO SE OFFICE****NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

**RECEIVED**  
JAN 17 2020  
**PRO SE OFFICE**

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>GREGORY S. FANI</u>
Street Address	<u>13 <sup>SOUTH</sup> DORADO CIRCLE Apt 10</u>
City and County	<u>HAVSUPPUGUE</u>
State and Zip Code	<u>NEW YORK 11788</u>
Telephone Number	<u>(516) 923-5891</u>
E-mail Address	<u>STARTNEW100@HOTMAIL.COM</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>BUREAU OF PRISONS</u>
Job or Title (if known)	<u>Metropolitan Detention Center</u> <u>WARDEN HERMAN QUAY III</u>
Street Address	<u>80 29th STREET</u>
City and County	<u>BROOKLYN, New York 11232</u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name

BUREAU OF PRISONS

Job or Title

Metropolitan Detention Center

(if known)

Street Address

80 29th Street

City and County

BROOKLYN, NY 11230

State and Zip Code

Telephone Number

E-mail Address

(if known)

Defendant No. 3

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

(if known)

Defendant No. 4

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

(if known)

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ State or local officials (a § 1983 claim)  
☒ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

CIVIL RIGHTS VIOLATIONS

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

CIVIL RIGHTS VIOLATIONS

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

see attached.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

METROPOLITAN DETENTION CENTER

- B. What date and approximate time did the events giving rise to your claim(s) occur?

JAN 23, 2017

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I WAS KEPT IN JAIL 3 MONTHS  
MORE THAN THE JUDGE ORDERED MY RELEASE  
K SPIVEY, CSW REFUSED TO RELEASE  
ME BASED ON MY STATUTORY RELEASE  
DATE IS 1/17/2017 AND HIS HOME DETENTION  
ELIGIBILITY DATE OF 10/12/2016. I WAS NOT  
RELEASED TO HAVE CONFINEMENT DETERMINED BY  
BOP. A PETITION FOR WRIT OF HABEAS CORPUS  
UNDER 28 USC § 2241 ASKS THE FOLLOWING  
PETITIONER WAS SENTENCED ON JULY 29 2016 BY DENNIS  
MURLEY TO 30 MONTHS. THE PETITIONER'S SATURDAY RELEASE  
DATE IS 1/17/2017. HIS HOME DETENTION WAS TO  
BE OCT 19, 2016 SEE BOP COMPUTATION DATE FORM.  
THE BOP IS AUTHORIZED TO PLACE PRISONERS  
IN HOME CONFINEMENT FOR SHORTER PERIODS  
OF IMPRISONMENT OR SIX MONTHS THERE  
THE BOP DETERMINE THE DEFENDANT  
RELEASE DATE WAS OCT 19 2016 (SEE ATTACHED)

On 8/17 inmate requested administrative remedy that the release never happened and that release be given the first request by administrative remedy was denied indicating inmate was held unconstitutionally very beyond held sentence causing significant monetary damages and pain and suffering in excess of \$300,000. Affirmation was prepared by my attorney in regards to the application Habeas corpus 28 USC

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

GOVERNMENT ASSIGNED DEPARTMENTS HAVE  
DETERMINED PSYCHOLOGICAL AND MEDICAL  
INJURIES

#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

PUNITIVE AND MONEY DAMAGES TO  
BE DETERMINED AND WILL BE SUBMITTED  
SHORTLY

#### VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/17, 2020

Signature of Plaintiff Gregory S. Clafant

Printed Name of Plaintiff GREGORY S CLAFANT